

Senate Study Bill 1170

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON VEENSTRA)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to public health and safety programs and
2 regulations under the authority of the department of public
3 health.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
5 TLSB 3220SC 80
6 rn/cf/24

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1 1 Section 1. Section 135.11, Code 2003, is amended by adding
1 2 the following new subsection:
1 3 NEW SUBSECTION. 30. Administer annual grants to county
1 4 boards of health for the purpose of conducting programs for
1 5 the testing of private water supply wells, the closing of
1 6 abandoned private water supply wells, and the renovation or
1 7 rehabilitation of private water supply wells. Grants shall be
1 8 funded through moneys transferred to the department from the
1 9 agriculture management account of the groundwater protection
1 10 fund pursuant to section 455E.11, subsection 2, paragraph "b",
1 11 subparagraph (3), subparagraph subdivision (b). The
1 12 department shall adopt rules and standards for the grant
1 13 process consistent with that provision.

1 14 Sec. 2. Section 135.105A, Code 2003, is amended to read as
1 15 follows:

1 16 135.105A LEAD INSPECTOR AND LEAD ABATER TRAINING AND
1 17 CERTIFICATION ESTABLISHED == CIVIL PENALTY.

1 18 1. The department shall establish a program for the
1 19 training and certification of lead inspectors and lead
1 20 abaters. The department shall maintain a listing, available
1 21 to the public and to city and county health departments, of
1 22 lead inspector and lead abater training programs that have
1 23 been approved by the department, and of lead inspectors and
1 24 lead abaters who have successfully completed the training
1 25 program and have been certified by the department. A person
1 26 may be certified as both a lead inspector and a lead abater.
1 27 However, a person who is certified as both a lead inspector
1 28 and a lead abater shall not provide both inspection and
1 29 abatement services at the same site unless a written consent
1 30 or waiver, following full disclosure by the person, is
1 31 obtained from the owner or manager of the site.

1 32 2. The department shall also establish a program for the
1 33 training of painting, demolition, and remodeling contractors
1 34 and those who ~~provide mitigation control services~~ conduct
1 35 interim controls of lead-based paint hazards. The training

2 1 shall be completed on a voluntary basis.

2 2 3. A person who owns real property which includes a
2 3 residential dwelling and who performs lead inspection or lead
2 4 abatement of the residential dwelling is not required to
2 5 obtain certification to perform these measures, unless the
2 6 residential dwelling is occupied by a person other than the
2 7 owner or a member of the owner's immediate family while the
2 8 measures are being performed. However, the department shall
2 9 encourage property owners who are not required to be certified
2 10 to complete the training course to ensure the use of
2 11 appropriate and safe ~~mitigation~~ inspection and abatement
2 12 procedures.

2 13 4. Except as otherwise provided in this section, a person
2 14 shall not perform lead abatement or lead inspections unless
2 15 the person has completed a training program approved by the
2 16 department and has obtained certification. All lead abatement
2 17 and lead inspections, and lead inspector and lead abater
2 18 training programs, shall be performed and conducted in
2 19 accordance with work practice standards established by the
2 20 department. A person shall not conduct a training program for
2 21 lead inspectors or lead abaters unless the program has been

2 22 submitted to and approved by the department. A person who
2 23 violates this section is subject to a civil penalty not to
2 24 exceed five thousand dollars for each offense.
2 25 5. The department shall adopt rules regarding minimum
2 26 requirements for training programs, certification, work
2 27 practice standards, and suspension and revocation
2 28 requirements, and shall implement the training and
2 29 certification programs. The department shall seek federal
2 30 funding and shall establish fees in amounts sufficient to
2 31 defray the cost of the programs. Fees received shall be
2 32 considered repayment receipts as defined in section 8.2.

2 33 Sec. 3. Section 136C.10, Code 2003, is amended by adding
2 34 the following new unnumbered paragraph:
2 35 NEW UNNUMBERED PARAGRAPH. The department may establish and
3 1 collect a fee related to transporting hazardous material if
3 2 the fee is used for a purpose related to transporting
3 3 hazardous material, including enforcement and planning,
3 4 developing, and maintaining a capability for emergency
3 5 response. The fees shall be established by rules adopted
3 6 pursuant to chapter 17A, and shall be deposited into a special
3 7 fund within the state treasury under the exclusive authority
3 8 of the department. Amounts deposited in the special fund
3 9 shall be considered repayment receipts as defined in section
3 10 8.2, and shall not be transferred, used, obligated,
3 11 appropriated, or otherwise encumbered except as provided in
3 12 this section. Repayment receipts collected and deposited
3 13 pursuant to this section that remain unencumbered or
3 14 unobligated at the close of the fiscal year shall not revert
3 15 but shall remain available for expenditure for the purposes
3 16 designated in future fiscal years.

3 17 Sec. 4. Section 147.153, subsection 2, Code 2003, is
3 18 amended to read as follows:

3 19 2. For a license as an audiologist:

3 20 a. Possess a master's degree or its equivalent from an
3 21 accredited school, college or university with a major in
3 22 audiology.

3 23 b. Show evidence of completion of not less than three
3 24 hundred hours of supervised clinical training in audiology as
3 25 a student in an accredited school, college or university.

3 26 c. Show evidence of completion of not less than nine
3 27 months clinical experience under the supervision of a licensed
3 28 audiologist following the receipt of the master's degree.

3 29 d. In lieu of paragraphs "a" through "c", hold a doctoral
3 30 degree in audiology, or its equivalent, from an accredited
3 31 school, college, or university which incorporates the academic
3 32 coursework and the minimum hours of supervised training
3 33 required by rules adopted by the board.

3 34 Sec. 5. Section 148.10, unnumbered paragraphs 2 and 3,
3 35 Code 2003, are amended by striking the unnumbered paragraphs
4 1 and inserting in lieu thereof the following:

4 2 The temporary certificate shall be issued for a period not
4 3 to exceed one year and may be renewed, but a person shall not
4 4 practice medicine and surgery or osteopathic medicine and
4 5 surgery in excess of three years while holding a temporary
4 6 certificate. The fee for this license and the fee for renewal
4 7 of this license shall be set by the medical examiners. The
4 8 fees shall be based on the administrative costs of issuing and
4 9 renewing the licenses.

4 10 Sec. 6. Section 148B.5, subsection 3, Code 2003, is
4 11 amended by striking the subsection and inserting in lieu
4 12 thereof the following:

4 13 3. Pass an examination, either in electronic or written
4 14 form, satisfactory to the board and in accordance with rules.

4 15 Sec. 7. Section 151.12, Code 2003, is amended to read as
4 16 follows:

4 17 151.12 TEMPORARY CERTIFICATE.

4 18 The chiropractic examiners may, in their discretion, issue
4 19 a temporary certificate authorizing the licensee to practice
4 20 chiropractic if, in the opinion of the chiropractic examiners,
4 21 a need exists and the person possesses the qualifications
4 22 prescribed by the chiropractic examiners for the license,
4 23 which shall be substantially equivalent to those required for
4 24 licensure under this chapter. The chiropractic examiners
4 25 shall determine in each instance those eligible for this
4 26 license, whether or not examinations shall be given, and the
4 27 type of examinations. No requirements of the law pertaining
4 28 to regular permanent licensure are mandatory for this
4 29 temporary license except as specifically designated by the
4 30 chiropractic examiners. The granting of a temporary license
4 31 does not in any way indicate that the person so licensed is
4 32 eligible for regular licensure, nor are the chiropractic

4 33 examiners in any way obligated to so license the person.
4 34 The temporary certificate shall be issued for one year and
4 35 at the discretion of the chiropractic examiners may be
5 1 renewed, but a person shall not practice chiropractic in
5 2 excess of three years while holding a temporary certificate.
5 3 The fee for this license shall be set by the chiropractic
5 4 examiners and if extended beyond one year a renewal fee per
5 5 year shall be set by the chiropractic examiners. The fees
5 6 shall be based on the administrative costs of issuing and
5 7 renewing the licenses. ~~The chiropractic examiners may cancel~~

~~5 8 a temporary certificate at any time, without a hearing, for~~
~~5 9 reasons deemed sufficient to the chiropractic examiners.~~

~~5 10 When the chiropractic examiners cancel a temporary~~
~~5 11 certificate they shall promptly notify the licensee by~~
~~5 12 registered mail, at the licensee's last-named address, as~~
~~5 13 reflected by the files of the chiropractic examiners, and the~~
~~5 14 temporary certificate is terminated and of no further force~~
~~5 15 and effect three days after the mailing of the notice to the~~
~~5 16 licensee.~~

5 17 Sec. 8. Section 153.19, subsection 2, Code 2003, is
5 18 amended to read as follows:

5 19 2. A temporary permit shall be issued for a period
5 20 determined by the board and may be renewed at the discretion
5 21 of the board. The fee for a temporary permit and the fee for
5 22 renewal shall be set by the board. The fees shall be based on
5 23 the administrative costs of issuing and renewing the permits.
5 24 ~~The board may revoke a temporary permit at any time, without a~~
~~5 25 hearing, for reasons deemed sufficient by the board.~~

5 26 Sec. 9. Section 153.19, subsection 3, Code 2003, is
5 27 amended by striking the subsection.

5 28 Sec. 10. Section 155A.3, Code 2003, is amended by adding
5 29 the following new subsection:

5 30 NEW SUBSECTION. 15A. "Electronic signature" means a
5 31 confidential personalized digital key, code, or number used
5 32 for secure electronic transmissions which identifies and
5 33 authenticates the signatory.

5 34 Sec. 11. Section 155A.37, subsection 4, Code 2003, is
5 35 amended to read as follows:

6 1 4. The board shall establish a procedure for receiving and
6 2 investigating complaints of violations of this code. The
6 3 board shall investigate all complaints of violations. ~~The~~
~~6 4 results of an investigation shall be forwarded to the~~
~~6 5 complainant.~~

6 6 Sec. 12. Section 455B.172, subsection 5, Code 2003, is
6 7 amended by striking the subsection and inserting in lieu
6 8 thereof the following:

6 9 5. The department shall maintain jurisdiction over and
6 10 regulate the direct discharge to a water of the state. The
6 11 department shall retain concurrent authority to enforce state
6 12 standards for private water supply and private sewage disposal
6 13 facilities within a county, and exercise departmental
6 14 authority if the county board of health fails to fulfill board
6 15 responsibilities pursuant to this section.

6 16 The department shall by rule adopt standards for the
6 17 commercial cleaning of private sewage disposal facilities,
6 18 including but not limited to septic tanks and pits used to
6 19 collect waste in livestock confinement structures, and for the
6 20 disposal of waste from the facilities. The standards shall
6 21 not be in conflict with the state building code. A person
6 22 shall not commercially clean such facilities or dispose of
6 23 waste from such facilities unless the person has been issued a
6 24 license by the department. The department shall be
6 25 exclusively responsible for adopting the standards and issuing
6 26 licenses. However, county boards of health shall enforce the
6 27 standards and licensing requirements established by the
6 28 department. Application for the license shall be made in the
6 29 manner provided by the department. Licenses expire one year
6 30 from the date of issue unless revoked and may be renewed in
6 31 the manner provided by the department. The license or license
6 32 renewal fee is twenty-five dollars. A person violating this
6 33 section or the rules adopted pursuant to this section is
6 34 subject to a civil penalty of not more than twenty-five
6 35 dollars. Each day that a violation continues constitutes a
7 1 separate offense. However, the total civil penalty shall not
7 2 exceed five hundred dollars per year. The penalty shall be
7 3 assessed for a violation occurring ten days following written
7 4 notice of the violation delivered to the person by the
7 5 department or a county board of health. Moneys collected by
7 6 the department or a county board of health from the imposition
7 7 of civil penalties shall be deposited in the general fund of
7 8 the state.

7 9 Sec. 13. Section 455B.173, subsection 10, Code 2003, is
7 10 amended by striking the subsection.

7 11 EXPLANATION

7 12 This bill provides for various changes in connection with
7 13 programs under the authority of the Iowa department of public
7 14 health.

7 15 The bill provides for the transfer of departmental
7 16 authority to make annual grants to county boards of health for
7 17 the purpose of conducting programs for the testing of private
7 18 water supply wells, the closing of abandoned private water
7 19 supply wells, and the renovation or rehabilitation of private
7 20 water supply wells, as provided for in Code section 455E.11,
7 21 subsection 2, paragraph "b", subparagraph (3), subparagraph
7 22 subdivision (b), from the department of natural resources to
7 23 the Iowa department of public health, and provides that the
7 24 department of public health shall adopt rules and standards
7 25 for the grant administration process.

7 26 The bill provides that the department shall maintain a
7 27 listing of lead abater and lead inspector training programs,
7 28 and that lead abatements, lead inspections, and lead inspector
7 29 and lead abater training programs shall be performed and
7 30 conducted in accordance with work practice standards
7 31 established by the department. The bill provides that a
7 32 person shall not conduct a training program for lead
7 33 inspectors or lead abatements unless the program has been
7 34 submitted to and approved by the department. The bill
7 35 provides for the adoption of rules regarding minimum
8 1 requirements for training programs, certification, work
8 2 practice standards, and suspension and revocation
8 3 requirements, that the department shall implement the training
8 4 and certification programs, and that the department shall seek
8 5 federal funding and shall establish fees in amounts sufficient
8 6 to defray the cost of the programs.

8 7 The bill provides that the department may establish and
8 8 collect a fee related to transporting hazardous material if
8 9 the fee is used for a purpose related to transporting
8 10 hazardous material, including enforcement and planning,
8 11 developing, and maintaining a capability for emergency
8 12 response.

8 13 The bill provides that an applicant for a license as an
8 14 audiologist may hold, as an alternative to a master's degree
8 15 or its equivalent with a major in audiology, a doctoral degree
8 16 in audiology, or its equivalent, from an accredited
8 17 educational institution which incorporates the academic
8 18 coursework and the minimum hours of supervised training
8 19 required by rules adopted by the board.

8 20 The bill deletes provisions which had permitted the boards
8 21 of medical examiners, dental examiners, and chiropractic
8 22 examiners to cancel a temporary certificate to practice or a
8 23 temporary permit without due process. The bill provides that
8 24 the occupational therapy and occupational therapist
8 25 examination may be taken either in electronic or written form
8 26 without limitation as to how frequently the examination may be
8 27 administered.

8 28 The bill provides a definition of "electronic signature"
8 29 for purposes of electronic transmission of prescription drug
8 30 orders. The bill defines "electronic signature" to mean a
8 31 confidential personalized digital key, code, or number used
8 32 for secure electronic transmissions which identifies and
8 33 authenticates the signatory.

8 34 The bill provides for the deletion of provisions regarding
8 35 the requirement that results of an investigation of a board of
9 1 pharmacy examiners employee for alleged violation of the
9 2 board's code of professional responsibility shall be forwarded
9 3 to the complainant in favor of provisions contained in Code
9 4 section 22.7, subsection 11, dealing with confidentiality or
9 5 release of personnel and investigative information.

9 6 LSB 3220SC 80

9 7 rn/cf/24.1